



### **Prior Written Notice Question and Answer**

#### **1. What is Prior Written Notice (PWN)?**

- The school district must give the parent a written notice whenever the school district:  
(1) Proposes to begin or change the identification, evaluation, or educational placement of their child or the provision of free appropriate public education (FAPE) to their child; or (2) Refuses to begin or change the identification, evaluation, or educational placement of the child or the provision of FAPE to their child.  
*34 CFR 300.503(b)*
- The school district must provide the notice in understandable language.  
*34 CFR 300.503(c) – School districts must provide the notice in language understandable to parents.*
- The purpose of PWN is to notify the parents of the school district's rationale for a proposal or refusal to take action and to give them a reasonable time to consider the change. The parent then may decide to ask questions or offer suggestions regarding the information that is given in the PWN. If the parent disagrees with the proposal or refusal to take action, the PWN notifies the parents of the protections afforded to them in the procedural safeguards, including available dispute resolution procedures.

#### **2. How does the district document the PWN when it proposes to take an action, or agrees with an action requested by the parent?**

The IEP and/or ER documents may serve as PWN when all seven components of PWN are included. To ensure that all seven components are included, the team must appropriately complete all editors for each document.

#### **3. What are the seven components of Prior Written Notice?**

- A description of the action proposed or refused by the agency;
- An explanation of why the agency proposes or refuses to take the actions;
- A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- Sources for parents to contact to obtain assistance in understanding the provisions of this part;

- A description of other options that the IEP team considered and the reasons why those options were rejected; and
- A description of other factors that are relevant to the agency's proposal or refusal.

#### **4. How does the district document description of each component?**

Keep in mind PWN is informing the parents so they may participate in the decision-making process; therefore, it is important to use a lot of detail. What the PWN looks like will be dependent on each student's unique circumstances and what action is being proposed or refused.

- (1) A description of the action proposed or refused by the agency;
  - Describe specifically what actions are being proposed or refused.
  - This can include multiple actions.
- (2) An explanation of why the agency proposes or refuses to take the action;
  - Be specific, stay away from general statements. Do not say for example, this is part of the student's annual review.
  - Explain "why" the district is proposing or refusing. This should state the district's rationale for its actions.
  - From this section the parent should be able to determine how the district made the decision to propose or refuse a particular action.
- (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
  - Identify ALL evaluation procedures, assessments, records or reports used as a basis for the proposed or refused action.
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
  - Inform the parents of where they may obtain the procedural safeguards.
  - If this is an initial referral for evaluation the district must provide the parent a copy of the procedural safeguards.
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
  - Include sources where parents may obtain assistance to understand provisions of PWN requirements.
  - This could include the Office of Public Instruction, Parent's Let's Unite for Kids, or Disability Rights Montana. The contact information for these agencies is found after the Table of Contents in the Procedural Safeguards.
- (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
  - Describe the other options that were considered, these must again be described in detail.
  - If the action that was proposed or refused is not one where other options could be considered, do not only state no other options were considered. Explain why in this unique circumstance no other options were considered.

- (7) A description of other factors that are relevant to the agency's proposal or refusal;
- Describe in detail any additional factors that were relevant to the district's proposal or refusal.
  - This may include unique circumstances such as health concerns, safety concerns, communication concerns, parental input, etc.
  - If there were no additional factors, do not just state "no additional factors" or "not applicable." Make a statement explaining that this requirement was considered but under this particular set of circumstances there were no other factors to consider.

Additional reminders: Remember you are directing the notice to the parents, use language understandable to the general public. The district must provide the notice in the native language or the parent or other mode of communication used by the parent unless clearly not feasible to do so. *34 CFR 300.503(c)*

#### **5. Where could each component of the PWN be located in the ER and IEP?**

The areas below are possible places where each component could be found and could be referenced in the appropriate prior written notice section. This list is not all-inclusive. If the IEP does not adequately describe a PWN component, the PWN section for that component will need to have a more complete description in the PWN editor or PWN stand-alone form.

##### **Description of the action proposed or refused by the agency**

###### **Evaluation Report**

- Disability Categories
- Recommendations for consideration by the IEP team
- Documentation – if found not eligible

###### **IEP**

- Educational concerns
- Consideration of special factors
- Present Level of Academic Achievement and Function Performance (PLAAFP) section
- Measureable Annual Goals (MAG) section
- Special Education and Related Services
- Least Restrictive Environment (LRE)
- Supplementary Aids and Services
- Assessments (statewide and districtwide)
- Extended School Year (ESY)
- Need for Reevaluation
- Students Desired Postsecondary Activities
- High School Graduation
- Notes Section

##### **An explanation of why the agency proposed or refuses to take action**

###### **Evaluation Report**

- Criteria checklist(s) or description of the disability criteria, met and/or not met
- Why does the student need special education and related services
- Implications
- Discussion section if not eligible
- Notes section

###### **IEP**

- Consideration of special factors
- PLAAFP statement
- Explanation of “No” in the LRE section
- Explanation of why school day is shortened
- Explanation of Alternative Assessment
- Notes section

**A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action**

Evaluation Report

- Assessment summaries
- Notes section

IEP

- A review of current records, current assessments and the student’s performance as documented in the PLAAFP statement

**A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained**

Evaluation Report

- Statement at the end of the PWN editor

IEP

- Statement in the IEP approval section
- Statement at the end of the PWN editor

**Sources for parents to contact to obtain assistance in understanding the provisions of this part**

Evaluation Report

- Statement at the end of the PWN editor

IEP

- Statement at the end of the PWN editor

**A description of other options that the IEP team considered and the reasons why those options were rejected**

Evaluation Report

- Criteria checklists indication the student did not meet the qualifications
- Notes section

IEP

- Notes section

**A description of other factors that are relevant to the agency’s proposal or refusal**

Evaluation Report

- Parent comments
- Notes section

IEP

- Educational concerns by the parents and/or school staff
- Notes section

- 6. How does the district document the PWN when it refuses to take an action that the parent has requested?**
- If this occurs during a meeting it will be documented in the IEP or ER form. If the parent makes the request outside the meeting, a meeting may be held or the stand alone PWN form could be used to provide PWN.
- 7. Must an IEP Amendment contain all seven components of the PWN?**
- Yes. PWN is required to notify the parents of the changes proposed or refused.
- 8. How does the district document PWN for a student initially referred for evaluation regardless of the source?**
- If a district is going to proceed with the evaluation the parent will receive a copy of the referral form and evaluation plan. If the district is not going to proceed with the evaluation, the district will send the stand alone PWN to the parent.
  - If the district chooses not to provide the referral form document to the parent, they must complete the PWN stand-alone form to ensure the seven components of PWN are included.
- 9. If a parent requests a re-evaluation and the district refuses this request, how is PWN documented?**
- If the request is made during an IEP meeting, it can be documented using the PWN editor
  - The district would use the stand-alone PWN form, if the request is made independently
- 10. Who is responsible for completing the PWN forms?**
- The district
- 11. When should a PWN be provided to the parents?**
- "There is no requirement in the Individuals with Disabilities Education Act (IDEA) regarding the point at which the written notice must be provided as long as it is provided a reasonable time before the district actually implements the action. This provides parents, in the case of a proposal or refusal to take action, a reasonable time to fully consider the change and respond to the action before it is implemented."
- OSEP Letter to Chandler 4/26/12*
- 12. Must PWN be provided when a child transfers into the district?**
- If the school district accepts the identification and IEP as written than no additional information is required.
- 13. If the IEP team takes notes during the IEP or ER meeting, may the team bypass the PWN and use the meeting notes?**
- No.
- 14. If an ER and IEP meeting occur consecutively, are two separate PWNs required to be completed?**
- Yes. Each document has its PWN requirements embedded.
- 15. If a placement change occurs due to disciplinary action, when is PWN required to be provided to the parent?**

- After the decision is made, but before the student's placement is changed.

**16. When must PWN be provided to parents of Private/Home School students?**

- Only during Child Find if the district proposes or refuses to an evaluation of a child with a disability or the district refuses an Independent Education Evaluation. Changes or refusals related to a Private School Service Plan do not require PWN.

**17. May I put "Not applicable" or leave a section blank if it does not apply?**

- No.

**18. In a draft IEP or ER should the PWN section be included?**

- No. This could suggest predetermination without the parent's meaningful participation.

**19. Is PWN required when a student progresses from elementary to middle school or middle school to high school?**

- If it is a normal progression for the student, then no. If the student will be attending a school he/she wouldn't normally be attending because of his/her needs, then yes.